

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GORDON P. GRANT,)	
)	
Movant,)	
)	
v.)	Case No. 4:17-CV-00482-DGK
)	Crim. No. 4:09-CR-00045-DGK
)	
UNITED STATES OF AMERICA,)	
)	
)	
Respondent.)	

ORDER

This pro se matter was filed pursuant to 28 U.S.C. § 2255. For the reasons set forth below, this case is DISMISSED without prejudice for failure to prosecute.

Discussion

In its Suggestions in Opposition to Movant's § 2255 motion, Respondent argued that Movant's motion was untimely, that Movant's claim was not cognizable, and that Movant had waived his right to claim that he is entitled to a sentencing reduction. On July 18, 2017, the Court ordered Movant to file a reply, on or before August 17, 2017, to Respondent's suggestions in opposition, and warned that the case may be dismissed without further notice if Movant failed to reply. As of the date of this Order, Plaintiff has not complied with that Order. Accordingly, it is ORDERED that this case is dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and for failure to comply with this Court's Order. Any motion to reopen this case must be filed within a reasonable period of time, and must comply with the Court's previous Order.

Certificate of Appealability

Pursuant to Rule 11 of the Rules Governing Section 2255 Proceedings, the Court must

issue or deny a certificate of appealability when it enters a final order adverse to Movant. A certificate of appealability may be issued “only if [Movant] has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Because Movant has made no such showing, the Court declines to issue a certificate of appealability.

s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: August 30, 2017